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APR 27 2004

In re Application of
Mark E. Armstrong
Application No. 10/692,710
Filed: October 24, 2003
Attorney Docket No. 03-090

OFFICE OF PETITIONS

**DECISION ON
PETITION**

This is a decision on the paper filed April 7, 2004 and styled "Petition for Original Filing Date", which is treated under 37 CFR 1.182.

Application papers in the above-identified application were filed on October 23, 2003. However, on April 2, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application had not been accorded a filing date because a complete specification as prescribed by 35 U.S.C. 112 was missing and that the application was deposited without drawings.

In response to the Notice mailed April 2, 2004, petitioner properly proffered a copy of a date stamped return receipt which corroborated petitioners assertion that the application had been filed with an eleven (11) page specification, (at least one claim was included in the proffered specification) and three sheets of drawings.

Copies of the complete application papers filed on October 24, 2003 were filed with the petition, which included a complete specification (eleven pages) and drawings (three sheets) thus satisfying the requirements as set out in the Notice mailed April 2, 2004 and thus completing the application.

In view of the foregoing, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee will be refunded to deposit account 50-1517 as requested.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of October 23, 2003, using the application papers received in the Office on that date and the specification (11 pages) and drawings (3 sheets) resubmitted on petition. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions